

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THOMAS GERING,

Plaintiff,

vs.

FRAUNHOFER USA, INC., and  
FRAUNHOFER-GESELLSCHAFT E.v.,

Defendants.

Case No. 05-73458

Judge Lawrence P. Zatkoff

Magistrate Judge Paul J. Komives

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**STIPULATED ORDER TO WITHDRAW DEFENSE CLAIMED**

At a session of said Court, held in the City of Port Huron, County of St. Clair,  
State of Michigan, this 21<sup>st</sup> day of August, 2006.

PRESENT: Honorable Lawrence P. Zatkoff  
U.S. District Court Judge

THIS MATTER having been presented upon Stipulation of the parties, and the Court having  
considered the pleadings and records filed in this case;

IT IS HEREBY ORDERED as follows:

1. The defense initially claimed by Defendant Fraunhofer-Gesellschaft E.v. in Section I of the Brief in Support of its Motion to Dismiss in Lieu of Responsive Pleadings with regard to alleged defective service, is withdrawn; and
2. The remaining defenses set forth in Sections II, III and IV of the Brief continue to be asserted by Defendant.

s/Lawrence P. Zatkoff  
Honorable Lawrence P. Zatkoff  
U.S. District Court Judge

I stipulate to the above order:

Date: August 1, 2006

s/Carl M. Riseman (with permission)  
Carl M. Riseman (P19465)  
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Date: August 1, 2006  
order prepared by: C. Reach

s/Cynthia L. Reach (P55903)  
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